



# ARIZONA DEPARTMENT of CHILD SAFETY

David Lujan, Cabinet Executive Officer/Executive Deputy Director  
Katie Hobbs, Governor

Summary Report	Near Fatality	03/13/2024
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**1. Victim:** 11-year-old male

**2. Was the child residing in the child's home or in an out-of-home placement at the time of the near fatality?**

The child was residing in his legal guardian's home when the following incident occurred:

On February 5, 2023, the Department of Child Safety received a report regarding an 11-year-old child who was taken to the hospital after sustaining an accidental gunshot wound. Upon examination, the child was determined to be in critical condition. On February 16, 2024, the Department substantiated allegations of neglect to the near fatality victim by his legal guardian, Donald Cryer, and parents Douglas and Cherish Fowlkes.

**3. If the victim in the Preliminary Report involved a child residing in the child's home, the following information will be provided:**

**a. Services being provided to the child, a member of the child's family or the person suspected of the abuse or neglect at the time of the incident and the date of the last contact before the incident between the entity providing services and the person receiving services:**

There were no services being provided to the family by the Department of Child Safety at the time of the incident.

**b. Was the child, a member of the child's family or the person suspected of the abuse or neglect the subject of a report for investigation at the time of the incident?**

No.

**c. All involvement of the child's parents and of the person suspected of the abuse or neglect in a situation for which a report for investigation was made or in services provided pursuant to this chapter in the five years preceding the incident:**

There were no prior DCS reports involving Donald Cryer.

DCS received the following prior reports involving Cherish Fowlkes, Douglas Fowlkes and the near fatality victim in the previous five years:

On September 23, 2018, a report was received alleging neglect to a child by their mother, Cherish Fowlkes. The child was assessed as safe with their father. The

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allegation was substantiated. The Department provided services to the family and the case was closed.

On September 29, 2019, a report was received alleging physical abuse and neglect to a child by their mother, Cherish Fowlkes. This investigation was open when the next report was received. Ultimately, the allegations were unsubstantiated.

On February 20, 2020, a report was received alleging neglect to a child by their mother, Cherish Fowlkes. The investigation resulted in the child coming into DCS custody. A dependency petition was filed with the Maricopa County Juvenile Court regarding that child and the Department was providing services to the family when a subsequent report was received. This child was reunified with their father on June 1, 2020.

On May 6, 2020, a report was received alleging neglect to the near fatality victim and his siblings by their mother, Cherish Fowlkes, and their father, Douglas Fowlkes. The allegations of neglect were substantiated. The investigation was open when the next report was received.

On June 16, 2020, a report was received alleging neglect to the near fatality victim and sibling by their mother, Cherish Fowlkes, and their father, Douglas Fowlkes. The allegations of neglect were substantiated. The investigation resulted in the children coming into DCS custody. A dependency petition was filed with the Maricopa County Juvenile Court. Services were provided to the family. Ultimately, the dependency was dismissed with a sibling being reunified with their father. The near fatality victim and a sibling were placed under a permanent guardianship with maternal uncle, Donald Cryer. The case was closed on 12/27/21.

**d. Any investigation pursuant to a report for investigation concerning the child, a member of the child's family or the person suspected of the abuse or neglect or services provided to the child or the child's family since the date of the incident involving the near fatality:**

The investigation of the near fatality report resulted in the other child in the home being assessed as safe with the legal guardian. Upon release from the hospital, the near fatality victim was also assessed as safe with the legal guardian. The Department provided the family with information on services available in the community. On February 16, 2024, the Department substantiated allegations of neglect to the near fatality victim by his legal guardian, Donald Cryer, and parents Douglas and Cherish Fowlkes.

The investigation also resulted in a court ordered investigation regarding the children residing in the legal guardian's home. That investigation assessed the children as safe. No subsequent reports of abuse or neglect were received regarding the family.

**4. If the victim in the Preliminary Report involved a child residing in an out-of-home placement, the following information will be provided:**

**a. Licensing Agency:**

N/A

**b. Licensing history of the out-of-home placement, including the type of license held by the operator of the placement and the period for which the placement has been licensed:**

N/A

**c. Summary of all violations by the licensee:**

N/A

**d. Any other actions by the licensee or an employee of the licensee that constitute a substantial failure to protect and promote the health, safety and welfare of a child.**

N/A

**5. Actions taken by the Department in response to the case including any changes to policy or practice and/or recommendations for further changes in policies, practices, rules or statutes:**

The Department conducted a joint investigation with the Phoenix Police Department. Upon release from the hospital, the near fatality victim was assessed as safe with the legal guardian. The other child in the home was also assessed as safe with the legal guardian. The Department provided the family with information on services available in the community. On February 16, 2024, the Department substantiated allegations of neglect to the near fatality victim by his legal guardian, Donald Cryer, and parents Douglas and Cherish Fowlkes.

The investigation also resulted in a court ordered investigation regarding the children residing in the legal guardian's home. That investigation assessed the children as safe. No subsequent reports of abuse or neglect were received regarding the family.

The Department reminds all caregivers to practice firearm safety and always store all firearms unloaded, in a secure locked location.

For additional information on firearm safety, please visit the Arizona Firearm Injury Prevention Coalition's website at: <http://www.afipc.org/afipc.html>.

Additionally, in accordance with the DCS Strategic Plan for State Fiscal Year 2016 (FY16), multidisciplinary team (MDT) reviews of fatality and near fatality cases were implemented during the first quarter of FY16. The MDT reviews fatality and near fatality cases with prior DCS involvement, which are a key feature of the Strategic Plan and supports the objective of increasing the accuracy of safety and risk assessments in investigations.

Cases are reviewed by the MDT in order to identify any systemic factors, both internal and external to the Department that may have had an impact. The Department uses the aggregate data gathered through all of the MDT reviews to assess and guide future changes and/or recommendations to policies, practices, rules or statutes. Findings from these reviews are compiled into an annual report to be shared on the DCS website. The target date for release of the next report is December 1, 2024.